

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JINA HANSON,
Plaintiff,

v.

APPLE INC., et al.,
Defendants.

Case No. [14-cv-02413-DMR](#)

**ORDER TO SUBMIT SUPPLEMENTAL
BRIEFING**

As part of the pretrial process, the parties have asked the court to rule on whether Defendant Jeannine Nittner can be individually liable as an “employer” under FMLA, and if so, what standard should be applied to determine whether she qualifies as an employer.

The court would benefit from briefing on the question of what standard should be applied to determining whether Nittner is an employer under FMLA, and whether the court or the jury should decide this question. Therefore, **by 9:00 a.m. on October 23, 2015**, the parties shall each submit a supplemental brief that does not exceed four pages addressing these two questions. At a minimum, the parties’ briefs should address the following decisions: *Bonnette v. California Health & Welfare Agency*, 704 F.2d 1465, 1470 (9th Cir. 1983); *Moreau v. Air France*, 356 F.3d 942 (9th Cir. 2004); *Torres-Lopez v. May*, 111 F.3d 633 (9th Cir. 1997); and *Chen v. Grant Cty.*, No. CV-09-0329-EFS, 2011 WL 830108, at *7 (E.D. Wash. Mar. 3, 2011). The court does not need supplemental briefing on the question of whether Nittner can be individually liable under FMLA.

IT IS SO ORDERED.

Dated: October 19, 2015

Donna M. Ryu
United States Magistrate Judge

